IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT
THE HON'BLE MR JUSTICE K.C. BHANU
WRIT PETITION NO : 3327 of 2005

Between:
P.Balaji, S/o.Bhaskar Rao,
Aged about 37 years, R/o.14/67, P&T Colony,
Gaddiannavaram, Dilsukhnagar, Ranga Reddy Dist.

..... PETITIONER

AND
1. The Secretary, Regional Transport Authority, Ranga Reddy Dist.
2. The Motor Vehicles Inspector, Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the 2nd respondent in seizing the petitioner's vehicle bearing No.AP.01/U.2005 Under Sec.207 of A.P.M.V.T. Act as arbitrary, illegal and further direct the respondents to release the said vehicle to the petitioner pending enquiry.

Counsel for the Petitioner: MR.P.VENKAT RAO

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following :

ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the 2nd respondent in seizing and detaining the petitioner's vehicle (Lorry) bearing No.AP01/U 2005 vide Check Report No.414212, dated 11.2.2005 as illegal and arbitrary.

The petitioner claims that he is the owner of the vehicle bearing No.AP01/U 2005 and that his vehicle was seized vide Check Report No.414212, dated 11.2.2005 for violation of certain provisions of the Motor Vehicles Act, 1988 and the Rules framed thereunder.

Whether the petitioner has violated the provisions of the Motor Vehicles Act, 1988 and the Rules framed thereunder, has to be decided by the competent authority. Meanwhile, it is not desirable to keep the vehicle idle exposing to sun and rain causing damage to the vehicle. Therefore, the 1st respondent is directed to release the petitioner's vehicle (Lorry) bearing No.AP01/U 2005 on the following terms and conditions:

1. *that the petitioner shall not alienate or transfer the vehicle.*
2. *that the petitioner shall not remove the spare parts of the vehicle.*
3. *that the petitioner shall produce the vehicle as and*

when required before the competent authority.

4. *that the petitioner shall pay the taxes due, if any, as on today.*
5. *that the petitioner shall produce all the original documents standing in his name.*

The writ petition is disposed of in terms of the above directions. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

23rd February, 2005.
bcj

To

1. The Secretary, Regional Transport Authority, Ranga Reddy Dist.
2. The Motor Vehicles Inspector, Ananthapur District.
3 Two C.Cs. to the government Pleader for Transport, High Court Buildings, Hyderabad (OUT)
4 Two C.D. copies

Note: Issue wire at party's cost.

B/o
bcj